



NYSSBA 2020 Federal Priorities

Support Investments in Public Education

NYSSBA appreciates the increases in federal education funding provided through the most recent budget agreement. However, additional areas of fiscal need still exist, including full funding of IDEA, investments to support school safety programs and maintenance of Impact Aid funding.

Tax Reform

NYSSBA calls for full restoration of deductibility of state and local taxes (SALT). This double tax disproportionately hurts New Yorkers and the services, like public education, we chose to invest in.

Net Neutrality and Technology in Schools

NYSSBA supports the restoration of net neutrality and the preservation of E-Rate. Schools are dependent on access to broadband service and online materials and resources. The suppression of new net neutrality principles and the proposal to cap E-rate payments jeopardize equitable access to these services.

Deferred Action for Childhood Arrivals (DACA)

NYSSBA supports immediate legislative action to protect DACA recipients and to place childhood arrivals on a path to citizenship. Children deserve to feel safe and secure in their homes and schools and absent that security are less likely to be academically successful. NYSSBA supports preserving access to these programs for all students.

Public Charge

NYSSBA opposes changing public charge requirements to jeopardize future immigration status for immigrants who may rely on public programs for nutrition and healthcare. Parents who are fearful of negative reprisals may remove or fail to enroll their children in needed programs like Medicaid and SNAP. Students who are unhealthy or hungry face greater challenges learning. In addition, if eligible students are not enrolled in Medicaid, then the district cannot access funding even if they are providing Medicaid eligible services.

Supplemental Nutrition Assistance Program (SNAP)

NYSSBA opposes the proposed changes that would reduce the number of people eligible for SNAP benefits. In New York State alone, just under 50,000 households with children would lose their benefits. This would result in decreased access to nutritional foods for thousands of students and an increase in costs to school districts across New York.

School Choice

Public school districts offer diverse school choice options to parents that maximize student outcomes for success and assure every child is prepared for college, careers and citizenship. NYSSBA urges support for policies that would level the playing field and ensure that all schools that receive public funds are held to the same accountability standards. NYSSBA opposes any proposal that would redirect resources from public school districts, where 87% of students are educated, to support non-public schools.

Memorandum of **SUPPORT**

Restore the State and Local Tax (SALT) Deduction

The Tax Cuts and Jobs Act, adopted at the end of 2017, placed a \$10,000 cap on the state and local tax (SALT) deduction. This federal tax deduction, previously claimed by 44 million American taxpayers, has helped support vital investments in infrastructure, public safety, home ownership and education. NYSSBA **opposed** the adoption of this cap, and urges Congress to **restore full SALT deductibility**.

- **SALT deductibility prevents double taxation.** SALT has been a feature of the tax code for more than 100 years. In 1913, the first federal income tax form allowed taxpayers to deduct state and local taxes, one of only six deductions allowed at the time. SALT prevents double taxation of Americans by allowing taxpayers to claim a deduction for the state and local taxes they have already paid from their income.
- **SALT deductibility benefits the middle class.** Nearly 86 percent of taxpayers who claim the SALT deduction have an adjusted gross income of under \$200,000.
- **SALT deductibility benefits homeowners.** Limiting the SALT deduction is raising taxes on middle class homeowners – even with the doubling of the standard deduction.
- **SALT deductibility supports the community.** The limits imposed on the SALT deduction place vital public sector services, including education, at risk. The after-tax cost to taxpayers of these services has now effectively increased.
- **SALT deductibility is bipartisan and national.** The SALT deduction is claimed by 44 million taxpayers in all 50 states, in both Democratic and Republican districts.
- **SALT deductibility is good for New York and New Yorkers.** NYSSBA calls on all officials elected to represent our state to support policies that are good for New York and oppose those that harm New Yorkers. Capping SALT deductibility is hurting New Yorkers.

The SALT deduction must be fully restored.

Memorandum of SUPPORT

Net Neutrality and Technology in Schools

The New York State School Boards Association (NYSSBA) supports initiatives that provide students with modern educational tools and instructional practices, including restoration of net neutrality principles and the protection of the federal E-Rate program.

In New York State, access to the internet is not evenly distributed. There are 1.1 million people in the state with access to only one wired provider, leaving them no options to switch if they find that provider's offerings to be less than desirable or too costly. As representatives of New York's public school districts, this is greatly troubling.

Access to online educational resources helps school districts save money while exposing them to the most innovative and effective practices. Without protections from the federal government, districts around the state will be vulnerable to the one or two ISPs that control the online content they can access. These ISPs can choose to charge educational companies providing online resources to schools significantly more to deliver content, and those companies could in turn pass those costs on to schools. For the many regions in our state with no ISP competition, we fear these providers will prioritize online companies who can afford to pay more. For schools unable to afford the higher fees passed to them by smaller educational technology companies, innovation will stall. As a result, certain schools will have far superior access to information than others and widen the achievement gap even further than it is now. NYSSBA strongly supports the passage of legislation that protects net neutrality principles.

At the same time, NYSSBA opposes efforts by the Federal Communications Commission (FCC) to place a cap on the Universal Service Fund (USF), which includes the E-Rate Program. E-Rate has made a tremendous difference for students by helping to provide broadband in schools or libraries where it might otherwise not be available. However, rural areas continue to lag behind other areas in connectivity and there are still enormous broadband gaps when students are out of school.

Providing an overall cap would only complicate coordination of the programs. If an overall cap is enacted, the funding available for the programs under USF will be uncertain each year. This uncertainty would then translate to the budgets of school districts that rely on E-Rate to serve their students. To ensure that access continues to be expanded, it is critical that the E-Rate and associated programs continue.

For additional information, please contact NYSSBA Governmental Relations at 518-783-0200.

Memorandum of SUPPORT

Deferred Action for Childhood Arrivals (DACA) & Education of All Students Regardless of Background

The New York State School Boards Association (NYSSBA) supports the passage of legislation that would protect the legal status of individuals who currently participate in the Deferred Action for Childhood Arrivals (DACA) program, and ensure that they are on a path to citizenship. NYSSBA also supports access to public education for all students, regardless of background, housing situation or immigration status.

School districts have a clear obligation to all students to provide them with access to a free, appropriate public education. In fact, the Supreme Court's landmark decision in *Phyllis v. Doe* holds that states cannot constitutionally deny students a free public education on account of their immigration status. When a child presents him or herself for enrollment, we enroll and educate that child. Questions about district residency are addressed later. Questions about citizenship and immigration status are not asked at all.

Since its establishment in 2012, DACA has provided a framework for families, communities and school districts to uniformly understand the rights and responsibilities of the students protected by this program. Of the 800,000 individuals covered by DACA, one-third (more than 200,000) are in high school. Additionally, more than 20,000 are actually serving as teachers in schools around the country.

The looming concern that the DACA program will phase out has led to a growing sense of anxiety and uncertainty in our schools. Without immediate congressional action that would inscribe this program into law, that sense of fear and anxiety will continue and have adverse effects on both the mental and physical health of hundreds of thousands of individuals. One study showed that after DACA was implemented, there was a surge in enrollment of kids 5 and younger born to parents with DACA status in the national Special Supplemental Nutrition Program for Women, Infants and Children benefit program. Many of these U.S. born children will soon enter our schools. Teaching physically and emotionally healthy children not only warrants higher rates of success throughout that student's academic career; it is also more financially viable for school districts. Reacting to physical and mental distress later in life is more costly than preparing children for a healthy life from the start.

Finally, NYSSBA is extremely concerned about children being separated from their families. The emotional stress and trauma that results from such experiences will only have adverse effects on these children moving forward. These children may be our future students whom districts care for and educate. The adverse childhood experiences occurring now will make the jobs of our educators much harder in the future.

Congress must act now and alleviate the anxiety and disruption that has been caused. Please take formal legislative action to protect the legal status of DACA recipients and provide them with a path to citizenship, and permanently end the practice of separating family members at the border. For these reasons, NYSSBA strongly supports legislation to protect the legal status of individuals who currently participate in the DACA program, and ensure that they are on a path to citizenship.

For additional information, please contact NYSSBA Governmental Relations at 518-783-0200.

Memorandum of **OPPOSITION**

DHS Public Charge Proposal

The New York State School Boards Association (NYSSBA) *opposes* changes proposed by the Department of Homeland Security (DHS) to the current public charge policy that would make it much more difficult for low and moderate-income immigrants who have at any point legally accessed public assistance to obtain a green card, extend or change their temporary status in the US, or apply for citizenship. Such a policy would dissuade immigrant parents from seeking proper medical care or nutritional sustenance that their children may need to be successful in school.

The proposal would expand the current public charge policy to include Medicaid, the Supplemental Nutrition Assistance Program (SNAP) and Public Housing. These programs are vital to families who cannot afford basic healthcare services, nutritious meals for their children or stable housing.

Medicaid covers almost 37 million children nationwide. In fact, children make up almost half of all Medicaid beneficiaries. The 1.78 million Medicaid eligible children who access these services come to our schools better prepared to learn. When students arrive to class hungry or sick, it becomes much more difficult for them to productively participate in educational programs. In fact, some of those same students may not even come to classes if they are too hungry or ill.

If students lose their SNAP benefits, they may no longer be directly certified to receive free lunch at school. Rather, the onus would be shifted to schools and parents to determine whether or not that child would be eligible to receive either free or reduced-price lunch. Without direct certification, parents or guardians must complete an additional application to determine which kind of nutritional support would be available to their child(ren) during the school day. The consensus of the school community is that the number of applications received greatly undercounts the number of students eligible to receive free or reduced-price lunch. As a result, school districts accrue massive school lunch debts sometimes reaching tens of thousands of dollars per school year.

Fortunately, in early January, a federal appeals court in New York blocked the Administration from enforcing the proposed public charge rule. We urge all policymakers to join in opposition to this rule, or take legislative action to intercede and ensure protections to immigrant families seeking benefits to which they are entitled.

It is critical that the federal government maintains a steady flow of funding to programs that support children's health and wellbeing. Medicaid and SNAP are just two such programs that provide essential services to children who otherwise would be in no condition to effectively engage in classroom discussions or adequately focus on assignments. Our students are our future. We must invest in them.

For additional information, please contact NYSSBA Governmental Relations at 518-783-0200.

Memorandum of **OPPOSITION**

Supplemental Nutrition Assistance Program (SNAP) Proposal

The New York State School Boards Association (NYSSBA) *opposes* changes proposed by the United States Department of Agriculture (USDA) to revise the two-decade old “broad-based categorical eligibility” (BBCE) policy and greatly reduce the number of participants who are currently eligible to receive benefits through the Supplemental Nutrition Assistance Program (SNAP). NYSSBA calls on the USDA to rescind this proposed rule change.

The Administration has estimated that approximately 9% of current SNAP participants would lose their benefits as a result of the proposed rule. It is also estimated that in New York State alone just under 50,000 households with children would lose their benefits. Students who receive SNAP benefits are directly certified to receive free school meals through the National School Lunch Program. The USDA’s analysis cited nationwide that “the number of impacted children shows that potentially as many as 982,000 children would no longer be directly certified for free school meals based on SNAP participation.”

If those students lose their SNAP benefits, they may no longer be directly certified to receive free lunch at school. Rather, the onus would be shifted to the schools and the parents to determine whether or not that child would be eligible to receive either free or reduced-price lunch. Without direct certification, parents or guardians must complete an additional application to determine which kind of nutritional support would be available to their child(ren) during the school day. We have received feedback from an overwhelming number of our school leaders outlining the challenges they face when collecting these applications from parents or guardians. The consensus of the school community is that the number of applications received greatly undercounts the number of students eligible to receive free or reduced-price lunch. As a result, school districts accrue massive school lunch debts sometimes reaching tens of thousands of dollars per school year.

An additional unintended consequence this rule would have on the National School Lunch Program is its effect on schools’ ability to access federal funding through the Community Eligibility Provision (CEP). CEP allows high poverty schools and districts to serve breakfast and lunch at no cost to all enrolled students without collecting household applications. In order to qualify for CEP, at least 40% of students enrolled in a school must receive free lunch. The important caveat to this provision is that the only students counted are those that directly certify for free lunch. Dozens of schools in New York State are at risk of losing their Community Eligibility status as a result of this rule change.

The rule change, if it takes effect, will result in decreased access to nutritional foods for thousands of students and an increase in costs to school districts across New York. For these reasons, NYSSBA *opposes* changes to SNAP’s BBCE policy and calls upon the USDA to rescind the proposed new rule.

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